



3/23/06

MESSAGES FROM THE HOUSE

SB 1124 (Kuipers)

Senate Bill 1124 would amend the Revised School Code to do the following: Require students to earn the following credits before receiving a high school diploma, beginning with students entering the 8th grade in 2006: 4 in English language arts; 4 in math (including algebra I and II and geometry); 3 in science; 3 in social science; 1 in health and physical education; and 1 in visual, performing, or applied arts. Require all high school students to participate in an online course or learning experience. Beginning with 9th graders in 2009, require all high school students to earn two credits in a language other than English before receiving a diploma. Require algebra, geometry, and science credits earned before high school to be counted toward the requirements; and include a similar provision for foreign language. Require the Department of Education (DOE) to develop subject area content expectations and guidelines for the required credits, and to develop subject area assessments to evaluate whether students met the expectations or guidelines. Require students to complete all subject area assessments developed by the DOE, the Michigan Merit Examination, or the MI-Access assessments before receiving a diploma. -- Allow a student's parent or legal guardian to request a modification of the math or science requirements after the first semester of 11th grade, or a modification of the algebra II requirement at the end of 10th grade under certain circumstances. Require all students in 7th grade to take a career pathways program. Require students to take a specific number of elective courses, to be determined by the local district or public school academy that would have to be aligned with one or more specified 21st century learning and teaching skills. Allow school districts that were unable to comply with all requirements under the bill to submit to the DOE a plan to phase in the requirements.

- The Senate did not concur with the House amendments to SB 1124 [RC 164: 1 yes, 35 no]. (Sikkema wanted this bill to go to Conference with the House and urged a no vote)

FINAL PASSAGE

SB 376 (Jacobs)

Senate Bill 376 a State employee, other than one employed in the State classified civil service, could be allowed leave time to permit him or her to serve as an organ donor. Participation in the program could not result in a loss or reduction in pay or affect leave time to which the organ donor otherwise was entitled; credit for time of service; or a performance or efficiency rating. In any calendar year, an eligible State employee could use up to 30 days of leave to serve as an organ donor.

- *Committee S-1 was adopted.*
- *SB 376 was moved to 3rd Reading of Bills.*
- **SB 376 passed with IE [RC 174: 37 yes, 0 no].**

SB 973 (Hammerstrom)

SB 974 (Kuipers)

SB 975 (Bishop)

SB 976 (Cropsey)

The bills would amend the Michigan Election Law to transfer from the Board of State Canvassers to the State Elections Director responsibilities for canvassing petitions to determine the validity and sufficiency of signatures; performing other constitutional duties concerning ballot petitions; and holding hearings on complaints or to investigate signatures. The bills also would delete requirements for the Board to approve ballot statements prepared by the Elections Director.

Senate Bill 973 would require the State Elections Director to perform other duties as prescribed by the Election Law. Currently, the Director is required to perform the duties of the Secretary of State under his or her supervision with respect to the supervision and administration of the election laws.

- *SB 973 was moved to 3rd Reading of Bills.*
- **SB 973 passed with IE [RC 170: 21 yes, 16 no].**

Senate Bill 974 would amend the Election Law, it is the duty of the State Elections Director, with the approval of the Board of State Canvassers, to prepare a statement of purpose of any proposed amendment or question to be designated on the ballot for submission to the electors. The bill would delete the requirement for the Board's approval.

- *SB 974 was moved to 3rd Reading of Bills.*
- **SB 974 passed with IE [RC 171: 21 yes, 16 no].**

Senate Bill 975 would require the State Elections Director, rather than the Board of State Canvassers, to assign a number designation to appear on the ballot for each question to be submitted on a statewide basis.

- *SB 975 was moved to 3rd Reading of Bills.*
- **SB 975 passed with IE [RC 172: 21 yes, 16 no].**

Senate Bill 976 Under the bill, the State Elections Director would have to canvass the petitions and could check doubtful signatures against local registration records, and the clerk of a political subdivision would have to cooperate with the Elections Director. The Election Law authorizes the Board of State Canvassers to hold hearings upon any complaints filed or for any purpose considered necessary by the Board to investigate the petitions. To conduct a hearing, the Board may issue subpoenas and administer oaths. The bill would transfer to the Elections Director the authority to hold hearings. The Elections Director also could issue subpoenas and administer oaths with the approval of the Board.

- *SB 976 was moved to 3rd Reading of Bills.*
- **SB 976 passed with IE [RC 173: 21 yes, 16 no].**

SB 1110 (Garcia)

Senate Bill 1110 would amend the Code of Criminal Procedure to allow a court to place a person convicted of third- or fourth-degree child abuse on probation for up to five years. Generally, under the Code, a defendant convicted of an offense that is not a felony may be given a probationary period that does not exceed two years, and the probationary period for a defendant convicted of a felony may not exceed five years. Under the bill, a court could place a person convicted of the misdemeanor of third- or fourth-degree child abuse on probation for not more than five years.

- *Committee S-1 was adopted.*
- *SB 1110 was moved to 3rd Reading of Bills.*
- **SB 1110 passed with IE [RC 177: 37 yes, 0 no].**

HB 4161 (Pastor)

House Bill 4161 would amend the Acknowledgment of Parentage Act to state that under an acknowledgment of parentage, the mother would have initial custody of the child until otherwise determined by the court. The grant of initial custody to the mother would not affect the custodial or parenting rights of either parent in court proceedings. The Act provides that if a child is born out of wedlock, a man is considered to be the natural father of the child if the man and the mother complete and sign an acknowledgment of parentage, and the signatures are notarized. After a mother and father sign an acknowledgment of parentage, the mother is presumed to have custody of the minor child unless otherwise determined by the court or otherwise agreed upon by the parties in writing.

- *Committee S-1 was adopted.*
- *HB 4161 was moved to 3rd Reading of Bills.*
- **HB 4161 passed with IE [RC 176: 37 yes, 0 no].**

HB 4398 (Elsenheimer)

House Bill 4398 would repeal three zoning acts — the City and Village Zoning Act, the County Zoning Act, and the Township Zoning Act — and replace them with a single new act, the

Michigan Zoning Enabling Act. In most cases, the bill would provide uniform provisions for the different forms of local government, but separate provisions would be retained in a few cases to reflect current differences in the composition, jurisdiction, and operations of zoning commissions of counties, cities and villages, and townships.

- *Committee S-4 was withdrawn.*
- *Committee S-1 was not adopted.*
- *Birkholtz S-2 was adopted.*
- *HB 4398 was moved to 3rd Reading of Bills.*
- **HB 4398 passed with IE [RC 175: 37 yes, 0 no].**

HB 4838 (Wenke)

HB 4838 would amend the Management and Budget Act to require the Office of the State Budget Director to establish and maintain the Higher Education Institutional Data Inventory (HEIDI) to collect data on public universities in the State. It will also develop policies for the collection of data, including policies to ensure the privacy of student data and provide data to State policy-makers, assist public universities with audits, and perform other duties. The bill would place into statute language that has traditionally been included in the annual Higher Education appropriations act and would further define the duties of the State Budget Office. The FY 2005-06 Higher Education appropriations act includes \$200,000 for the HEIDI database, which is currently maintained by the Department of Information Technology's Center for Geographic Information. The FY 2006-07 Governor's recommendation for Higher Education also includes the \$200,000 appropriation.

- *HB 4838 was moved to 3rd Reading of Bills [no amendments].*
- **HB 4838 passed with IE [RC 179: 37 yes, 0 no].**

HB 5282 (Wenke)

House Bill 5282 would amend the Career and Technical Preparation Act to remove a provision repealing the Act on June 30, 2006. To be eligible, a student must be enrolled in at least one high school class in at least grade 11. He or she must have achieved a State endorsement in all subject areas on the high school proficiency exam (or, beginning with the 2006-2007 school year, a qualifying score in all subject areas on a readiness assessment test or the Michigan Merit Exam). Alternatively, a student may enroll in the program if he or she has achieved State endorsement in math and a qualifying score on a nationally or industry-recognized job skills assessment test.

- *HB 5282 was moved to 3rd Reading of Bills [no amendments].*
- **HB 5282 passed with IE [RC 180: 37 yes, 0 no].**

HB 5606 (Palmer)

House Bill 5606 would amend the Revised School Code to do the following: Require students to earn the following credits before receiving a high school diploma, beginning with students

entering the 8th grade in 2006: 4 in English language arts; 4 in math (including algebra I and II and geometry); 3 in science; 3 in social science; 1 in health and physical education; and 1 in visual, performing, or applied arts. Require all high school students to participate in an online course or learning experience. Beginning with 9th graders in 2009, require all high school students to earn two credits in a language other than English before receiving a diploma. Require algebra, geometry, and science credits earned before high school to be counted toward the requirements; and include a similar provision for foreign language. Require the Department of Education (DOE) to develop subject area content expectations and guidelines for the required credits, and to develop subject area assessments to evaluate whether students met the expectations or guidelines. Require students to complete all subject area assessments developed by the DOE, the Michigan Merit Examination, or the MI-Access assessments before receiving a diploma. -- Allow a student's parent or legal guardian to request a modification of the math or science requirements after the first semester of 11th grade, or a modification of the algebra II requirement at the end of 10th grade under certain circumstances. Require all students in 7th grade to take a career pathways program. Require students to take a specific number of elective courses, to be determined by the local district or public school academy that would have to be aligned with one or more specified 21st century learning and teaching skills. Allow school districts that were unable to comply with all requirements under the bill to submit to the DOE a plan to phase in the requirements. This bill is similar to Senate Bill 1124.

- Kuipers 1 was adopted.
- HB 5606 was moved to 3rd Reading of Bills.
- HB 5606 passed with IE [RC 169: 36 yes, 1 no].

HB 5620 (Garfield)

HB 5620 would amend the Michigan Vietnam Veterans Memorial Act to expand the boundaries of the Veterans Memorial Park in Lansing. (The Act established the Veterans Memorial Park in Lansing and required the Vietnam Veterans Memorial monument to be located there.)

- *HB 5620 was moved to 3rd Reading of Bills [no amendments].*
- HB 5620 passed with IE [RC 178: 37 yes, 0 no].

HB 5648 (Schuitmaker)

HB 5649 (Vander Veen)

HB 5650 (Ward)

The bills would amend Chapter 22 (Initiative and Referendum) of the Michigan Election Law to do the following: Require the Fourth District of the Court of Appeals, rather than the State Board of Canvassers, to declare the sufficiency or insufficiency of a ballot proposal petition. Require the Fourth District of the Court of Appeals to declare a petition sufficient unless it were not in the proper form or the number of valid signatures were less than required. Require the Fourth District of the Court of Appeals to notify the Secretary of State before September 1, 2006, if it declined to make an official declaration of sufficiency or insufficiency; and require the Elections Director to make the declaration. Require a fiscal impact analysis of a ballot proposal to be prepared before an election; and require a summary of the analysis to appear on the ballot.

Allow a person filing a petition to request that notice of its approval or rejection be forwarded to the person by the Fourth District of the Court of Appeals or the Elections Director, rather than the Board of State Canvassers. Provide that a person who felt aggrieved by a determination by the Fourth District of the Court of Appeals or the Elections Director could have the determination reviewed in the Michigan Supreme Court.

House Bill 5648 would amend the Michigan Election Law to require the State Director of Elections to send a notice of approval or rejection to a person filing a petition, if such a notice had been requested at the time of filing. Currently under the law, this responsibility rests with the Board of State Canvassers.

- Committee S-1 was adopted.
- HB 5648 was moved to 3rd Reading of Bills.
- HB 5648 passed [RC 165: 21 yes, 15 no]. IE was granted [RC 166: 26 yes, 10 no].

House Bill 5649 would amend the Michigan Election Law to specify that a person who feels aggrieved by a determination made by the Board of State Canvassers or the State Director of Elections may seek an appropriate remedy in the Supreme Court. Currently the law specifies this right of action when a person feels aggrieved by a determination made by the Board of State Canvassers.

- Committee S-1 was adopted.
- HB 5649 was moved to 3rd Reading of Bills.
- HB 5649 passed with IE [RC 167: 21 yes, 15 no].

House Bill 5650 would amend the Michigan Election Law to require that the State Director of Elections make an official declaration of the sufficiency or insufficiency of a petition at least two months before the election at which the proposal is to be submitted. Currently under the law, this is a responsibility of the Board of State Canvassers. Further, the bill would require that the State Director of Elections declare a petition sufficient unless he or she determined that the petition was not in proper form, or that the number of valid signature was less than the minimum number required. In determining the sufficiency of the form of the petition, the State Director of Elections would be prohibited from considering the substance of the proposal affixed to the petition. Currently the Board of State Canvassers declares when a petition or a referendum petition is sufficient. Under House Bill 5650 these responsibilities would be those of the State Director of Elections.

- Committee S-1 was adopted.
- HB 5650 was moved to 3rd Reading of Bills.
- HB 5650 passed with IE [RC 168: 21 yes, 15 no].

THIRD READING OF BILLS

SB 709 (Stamas)

SB 717 (Toy)

SB 718 (Gilbert)

Senate Bill 709 would amend the Michigan Penal Code to require a sentence of life imprisonment without parole for first-degree criminal sexual (CSC) if all of the following circumstances were met: The victim was under 13 years of age. The offender was at least 17 years old. The offender previously had been convicted of first-, second-, third-, or fourth-degree CSC or assault with attempt to commit CSC, or a substantially conforming law of the United States, another state, or a political subdivision of another state, when he or she was at least 17 and the victim was under 13.

- Committee S-3 was adopted
- SB 709 was moved to 3rd Reading of Bills.

Senate Bill 717 would amend the Code of Criminal Procedure to exclude from the sentencing guidelines classification for first-degree criminal sexual conduct (CSC) prisoners who were sentenced to life without parole for first-degree CSC involving a victim under 13 of age and a repeat offender at least 17 years old (as Senate Bill 709 (S-3) would require).

- Committee S-1 was adopted.
- SB 717 was moved to 3rd Reading of Bills.

Senate Bill 718 would amend the Corrections Code to provide that prisoners sentenced to life without parole for first-degree CSC or for certain other offenses would not be eligible for parole. Under the Corrections Code, a prisoner sentenced to life imprisonment generally is subject to the jurisdiction of the parole board after either 10 or 15 years, depending on the date of the crime. This provision excludes a prisoner sentenced for life for particular violations, each of which is punishable by life imprisonment without parole; the bill would delete this language.

- Committee S-1 was adopted.
- SB 718 was moved to 3rd Reading of Bills.

SB 1122 (Sanborn)

Senate Bill 1122 would amend the Corrections Code to specify that, if a parolee convicted of first- or second-degree criminal sexual conduct (CSC), other than a parolee subject to lifetime electronic monitoring under Section 85 of the Code, were placed on parole, the parole board could require that the parolee be subject to electronic monitoring. The electronic monitoring would have to be conducted in the same manner, and be subject to the same requirements, as described in Section 85 and in Section 520n of the Michigan Penal Code, except that the electronic monitoring would have to continue only for the duration of the term of parole and a violation by the parolee of any of the requirements specified in Section 520n would be a violation of a condition of parole, not a felony violation.

- Committee S-1 was adopted.
- SB 1122 was moved to 3rd Reading of Bills.

SB 1146 (Cropsey)**SB 1147 (Van Woerkom)**

Senate Bill 1146 would amend the Michigan Penal Code to prescribe criminal penalties for knowingly or willfully concealing, or harboring for the purpose of concealment, a person who was subject to an arrest warrant or a bench warrant; and to increase the maximum penalty for concealing or harboring an escapee from custody. Under the Code, it is a misdemeanor for a person knowingly or willfully to conceal, or harbor for the purpose of concealment, a person who has escaped or is escaping from lawful custody. The penalty is up to 90 days' imprisonment, a maximum fine of \$500, or both. The bill would increase the maximum term of imprisonment to 93 days.

- Committee S-1 was adopted.
- SB 1146 was moved to 3rd Reading of Bills.

Senate Bill 1147 would amend the Code of Criminal Procedure to specify that harboring a person for whom a felony warrant had been issued would be a Class F felony against the public safety, with a statutory maximum sentence of four years' imprisonment. The bill is tie-barred to Senate Bill 1146.

- SB 1147 was moved to 3rd Reading of Bills [no amendments].

HB 5256 (Proos)

House Bill 5256 would amend the Insurance Code to specify that an insurance company could refuse to renew a medical malpractice insurance policy only by mailing a written notice to the insured at least 60 days in advance.

- HB 5256 was moved to 3rd Reading of Bills [no amendments].

HB 5497 (Hune)

House Bill 5497 would amend the Insurance Code to waive continuing education requirements for an insurance agent licensed to write only limited line credit insurance whose employment is for a purpose other than the sale of those policies (e.g., employees of lending institutions). By providing an exemption from continuing education requirements for these individuals, according to OFIS, the bill would put the state's Insurance Code in compliance with NAIC standards for continuing education and would reduce a regulatory burden on those selling the product.

- HB 5497 was moved to 3rd Reading of Bills [no amendments].

RESOLUTIONS**SR 109 (Toy)**

A resolution to urge the US District Court to circumvent the regular process in regards to the Detroit Water Board.

- SR 109 passed [RC 181: 23 yes, 13 no].